

SERVICE DATE - MARCH 28, 2001

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 167)

UNION PACIFIC RAILROAD COMPANY—DISCONTINUANCE OF SERVICE—IN COOK
COUNTY, IL

Decided: March 26, 2001

By petition filed on March 7, 2001, Union Pacific Railroad Company (UP) seeks a waiver from certain regulations requiring the filing of specific information in a discontinuance of service application. UP states that it intends to file a formal application with the Board in April 2001, for UP to discontinue rail service over a 9.1-mile line of railroad, known as the Skokie Industrial Lead, extending from milepost 12.6 at Oakton Street in Skokie to milepost 21.7 near Northfield, in Cook County, IL. It states that it will not request authority for abandonment in this application and that, should it wish to abandon the line at a later date, it will seek further authority from the Board at that time.

UP seeks a waiver of the following filing requirements: 49 CFR 1152.21, to the extent it requires notice to be given of public use and trail use options; 49 CFR 1152.22(d)(2), 49 CFR 1152.34, and 49 CFR 1152.36, which require data as to valuation and return on investment for road properties; and 49 CFR 1105.7 and 49 CFR 1105.8, which require certain environmental and historic reporting requirements related to the effects of line salvage and disposition (waiver of these environmental requirements is sought pursuant to 49 CFR 1105.7(g) and 1105.8(e)). UP states that it intends to rail bank the line, leaving the track and bridges in place and to retain its interest in the underlying right-of-way. The only salvage activity contemplated is that grade crossings may be removed or paved over as they require replacement or repair.

The waiver will be granted. Under 49 CFR 1150.10, prospective applicants, prior to filing an application, may seek an advance waiver, either on a permanent or temporary basis, of required information which is unavailable or not necessary or useful in analysis of the proposal. The trail use and public use notice provisions, the data as to valuation of road properties and return on investment for these properties, and the environmental and historic reporting requirements noted above are not pertinent where the railroad seeks only to discontinue service, not to abandon, the line.¹ Requiring UP to comply with these provisions in this discontinuance proceeding would serve no useful purpose and would impose an unnecessary evidentiary burden

¹ UP should state in the notice that, because it is not abandoning the line, it will not be available for either public use or interim trail use. Although UP states that it intends to “rail bank” the line, its retention of the line after the discontinuance of service is not subject to the rail banking provisions of the National Trails System Act, 16 U.S.C. 1247(d).

on UP. Approving the waiver would not appear to harm or prejudice any private or public interest.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The petition for waiver is granted.
2. This decision is effective on the date of service.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary